

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEROME ROSS and
ERNESTINE ROSS,

Plaintiffs,

V.

PROGRESSIVE SPECIALTY
INSURANCE COMPANY,

Defendants.

))))))))))

) Civil Action Number: 2:07-cv-792-WKW

MOTION TO COMPEL

Comes now the defendant, Progressive Specialty Insurance Company (“Progressive”), pursuant to Rule 37 of the Federal Rules of Civil Procedure, and moves the court to enter an order compelling the plaintiffs to comply with discovery and to make their initial disclosures. In support of the motion, Progressive shows unto the court the following:

1. This is a claim for UIM benefits arising from Jerome Ross's June 21, 2005 accident.
2. The parties conducted a planning meeting on September 17, 2007 after which a scheduling order was entered.
3. The plaintiffs have still not made their initial disclosures.
4. Progressive propounded interrogatories and filed a request for production to the plaintiffs on February 29, 2008. The plaintiffs have not responded to that discovery.

5. Progressive has attempted to resolve the discovery dispute without involvement of the court. It contact the plaintiffs' prior attorney to request discovery responses. It is attaching a copy of its letter to the plaintiffs' current attorney dated May 8, 2008 which again requested the discovery responses.

6. Progressive obviously needs the discovery responses in order to prepare this case for trial or to evaluate it for settlement.



R. Larry Bradford, Attorney for
Defendant, Progressive Specialty
Insurance Company
Attorney Bar Code: ASB-8038-F64R

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 13 day of June, 2008, served a copy of the foregoing to all attorneys of record by filing same electronically and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

William K. Abell, Esq.
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May 8, 2008

William K. Abell, Esq.
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COPY

Re: Jerome Ross and Ernestine Ross v. Tony Lester d/b/a Lester Logging and
Progressive Specialty Insurance Company
In the United States District Court for the Middle District of Alabama,
Northern Division
Civil Action Number: 2:07-cv-00792-WKW
File Number: 6000.1659

Dear William:

Before you filed an appearance in this case, I had previously propounded interrogatories and filed a request for production to the plaintiffs on February 29, 2008. The discovery responses are long overdue. Please contact me if you will have any difficulty in responding to the outstanding discovery within the next two weeks.

Also, the plaintiffs have still not filed their initial discoveries as required by the scheduling order. Please file those disclosures within the next two weeks so that we will not have to involve the court with any discovery disputes.

Thank you for your courtesy.

Sincerely yours,



R. Larry Bradford

RLB/ld